

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:

**JOSEPH C WILLIAMSON

DEBTOR**

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**CASE NO.: 19-51044-RBK

CHAPTER 13**

**OBJECTION TO CONFIRMATION BY WELLS FARGO BANK, N.A., ITS ASSIGNEES
AND/OR SUCCESSORS**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now WELLS FARGO BANK, N.A., ITS ASSIGNEES AND/OR SUCCESSORS, (collectively referred to as "Creditor"), a secured creditor and party in interest, and pursuant to 11 U.S.C. §§1322 (b)(2), 1322(b)(5), 1324 and 1325(a)(5), and Bankruptcy Rule 3015(f) files its *Objection to Confirmation* of Debtors' proposed Chapter 13 Plan ("Plan"), and in support thereof would respectfully show the Court as follows:

BACKGROUND

1. Debtors filed a voluntary petition under Chapter 13 of Title 11, United States Bankruptcy Code on 5/3/2019.

2. WELLS FARGO BANK, N.A., ITS ASSIGNEES AND/OR SUCCESSORS, is the holder of a Note ("Note") in the original principal sum of \$70,000.00, dated 2/19/2008, which was executed by Joseph C Williamson to Wachovia Bank, National Association. The Note is secured by

a Deed of Trust of even date therewith granting a lien against real estate located at

**LOT 125, BLOCK 6, BIG COUNTRY SUBDIVISION, UNIT 1, BEJAR COUNTY, TEXAS,
ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 9501, PAGES 170 AND 171, DEED
AND PLAT RECORDS OF BEJAR COUNTY, TEXAS.**

commonly known as 11403 Jarbo Pass Dr, San Antonio, TX 78245 ("Property").

3. Creditor asserts that the allegations and other factual contentions in this objection have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation when Creditor anticipates timely filing its secured Proof of Claim before the claims bar date.

OBJECTION TO PROPOSED PLAN

4. Creditor objects to confirmation of the Plan because the Plan understates the pre-petition arrears due and owing under the Note. Debtors' Plan incorrectly states that there is only \$13,000.00 due in arrearages. Creditor is entitled to full payment its anticipated pre-petition arrearage claim, in the amount \$20,718.09 as of 5/3/2019 pursuant to the Note and Deed of Trust. Creditor therefore objects to the proposed treatment of its secured claim.

5. As the arrears listed for Creditor are understated, the Chapter 13 Plan may not be feasible.

6. Movant has had to retain counsel to represent it before this Court and is incurring legal expenses and attorneys' fees for the handling of this *Objection to Confirmation*.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Creditor prays that this Court deny confirmation of the Plan as proposed, award attorneys' fees and costs, and grant Creditor such other

and further relief, at law and in equity, as is just.

Respectfully Submitted,

MCCARTHY & HOLTHUS, LLP

/s/ Carlos Hernandez-Vivoni

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ATTORNEYS FOR SECURED CREDITOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Objection to Confirmation* has been served upon the following parties via electronic means through the Court's CM/ECF system or by pre-paid regular first class U.S. Mail on 5/31/2019.

By: /s/Carlos Hernandez-Vivoni
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ATTORNEYS FOR MOVANT

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All Parties Requesting Notice Via CM/ECF System